THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24483 of 2005

Dated: 17.11.2005

Between:

Sri Balaji Constructions,

H.No.5-26, Lakshmidevipalli,
Kothagudem, Khammam District,

rep by its Managing partner Sri Sajja Prasad.

..... PETITIONER

AND

The Government of Andhra Pradesh,

rep by its Secretary-T (R&B) Department
A.P.Hyderabad and others.

.....RESPONDENTS

ORDER:

The petitioner was awarded a contract to operate tollgate between Thallada and Bhadrachalam for the period from 01.04.2002 to 31.03.2003. According to him, the tollgate was directed not to be operated during the period from 07.08.2003 to 11.08.2003 through the orders of the District Collector, Khammam, third respondent herein, on the eve of Godavari pushkaramas. The petitioner states that the corresponding rent for the said period works out to Rs.91,500/-. The petitioner

submits that on the representation made by him and the directions issued by the Government, the Chief Engineer, Roads and Buildings Department, second respondent herein, caused an enquiry into the matter and submitted a report through his letter, dated 24.11.2003, recommending that the petitioner is entitled for an exemption of Rs.91,500/-. It is also stated that a representation, dated 02.04.2005, was made by the petitioner for taking further action. The petitioner complains that no action has been taken in the matter so far. He placed reliance upon the order passed by the Government in G.O.Rt.No. 891 dated 12.10.2004, in respect of another tollgate under identical circumstances. He seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Roads and Buildings.

A perusal of the letter, dated 24.11.2003, addressed by the second respondent to the first respondent discloses that the claim of the petitioner was examined with reference to the records and it was recommended that the petitioner be granted an exemption for a sum of Rs.91,500/-. In G.O.Rt.No.891 dated 12.10.2004, similar situation was dealt with and the contractor, by name Mr.Meka Srinivas, was extended the benefit of remission of toll tax in a sum of Rs.14,21,489/-. The petitioner made a representation for considering his case also. The matter is pending since last several months and it cannot brook any further delay.

Therefore, the writ petition is disposed of directing the first respondent to pass appropriate orders on the representation of the petitioner, dated 02.04.2005, duly taking into account, the report submitted by the second respondent through his letter dated 24.11.2003, within a period of two months from the date of receipt of a copy of this order. No order as to costs.

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17.11.2005

Note: Furnish C.C. in one week.

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